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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,698	04/18/2002	Victor Segalescu	P-2202 US1	3781
27130	7590	03/08/2005	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			SHAW, SHAWNA JEANNINE	
			ART UNIT	PAPER NUMBER
			3737	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/937,698	Applicant(s) SEGALESCU ET AL. e	
	Examiner Shawna J. Shaw	Art Unit 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/18/2002, 11/5/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11052002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 12, 27, 29 and 34, are objected to because of the following informalities:
In claim 12, "said one second medical imaging device" should be changed to --said second medical imaging device--. In claim 27 line 2, it appears that "with to" should be --with respect to--. In claim 29, it appears that "37" should be --17--. In claim 34, it appears that "said at least one second medical imaging device" should be changed to --said one second medical imaging device--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by Ferre et al. of record.

Ferre et al. disclose an endoscopic imaging device (106) and invasive tool (100); first and second position measuring components (108, 102); and an image processor (114) and corresponding display (20).

3. Claims 1-22, 24-27 and 29-37, are rejected under 35 U.S.C. 102(e) as being anticipated by Vesely et al. (6,019,725).

Vesely et al. disclose a three-dimensional tracking system and method including imaging with a first (e.g., x-ray, ultrasound, etc.) imaging device; sensing the position of a second (e.g., intravascular ultrasound, surface patch - col. 15 lines 26-40) imaging device with respect to the first imaging device; and calculating and displaying the position/image of the second imaging device with respect to the first imaging device including fusing the (still or moving) images and providing recognizable targets for registration (col. 15 line 52 – col. 16 line 44, col. 19 lines 36-62 and col. 21 lines 30-44). See also figures 11 and 16. Vesely et al. also reflects motion of the invasive device on the display screen. Moreover, Vesely et al. disclose wherein the position measuring system (1600) is a magnetic or acoustic based system (col. 12 lines 52-54).

4. Claims 1-37, are rejected under 35 U.S.C. 102(e) as being anticipated by Gilboa (2002/0193686).

Gilboa demonstrate a known method and apparatus for imaging with a first medical imaging device (22, e.g., x-ray); sensing the position of a second medical imaging device (52, intracardiac ultrasound probe, etc.); and calculating and displaying the position/image of the second imaging device with respect to the first imaging device including fusing the (still or moving) images and providing recognizable targets for registration (fig. 1A, [0005-8]). Gilboa also teach first and second (e.g., electromagnetic) position measuring components (40, 40a/32) attached to the first and second imaging devices. Additionally, Gilboa teach the use of a “third” measuring

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component (30, 44). Gilboa further reflects motion of the ultrasound probe on the display screen.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawna J. Shaw whose telephone number is (571) 272-4743. The examiner can normally be reached on 6:45 a.m. - 3:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shawna J. Shaw
Primary Examiner
Art Unit: 3737
03/03/2005